

Remarks/Arguments

The Examiner has indicated that Claims 1-16 are pending in the application and that these claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner has indicated that Claims 1-16 would be allowable if rewritten or amended to overcome the 35 U.S.C. 112 rejection.

In Claim 1, parts (d) and (e), Examiner asserts that it is not clear what is being claimed. Specifically, the Examiner is concerned with the distinction from a first rope and a second rope, the second rope being a continuation of the first rope.

Claim 1, part (d), has been amended by inserting after the term "first rope" the term "section."

Claim 1, part (e), has been amended by inserting after the term "second rope" the term "section" and by inserting after the term "first rope" the term "section."

The Examiner has questioned the distinction between first rope, second rope and whether there are two different ropes or different portions of the same rope.

Support for the amendment of Claim 1, parts (d) and (e), can be found on page 11, lines 1-19, wherein it is stated that the rope is divided in two sections, section one and section two, but that both sections are part of the same rope. It is applicants' view that this explains Examiner's query. It is submitted that the term "section" introduced in parts (d) and (e) of Claim 1 clearly overcome the objection of the Examiner and it is respectfully requested that the 35 U.S.C. 112, second paragraph, rejection with respect to Claim 1 and dependent Claims 2 through 12 be withdrawn.

Claim 13 has been rejected under 35 U.S.C. 112, second paragraph, since the terminology “home position” is deemed by the Examiner to be vague.

In Merriam Webster's Collegiate Dictionary Tenth Edition (1996) home is defined as “place of origin” or “base of operations.” This is the usage employed in the instant application.

On page 14, lines 16-17, there is the following sentence “After the wire or wirelike tie is in place, the tie wrap mechanical means device 18 is activated to move backward into its home position by the PLC controller.”

On page 14, lines 22-23, the following sentence appears “The PLC controller activates the rope holder positioner means 22 and 23 to release ropes 25 and 27 and to retract into home position. The PLC controller activates the supply means of the stretch wrap flexible material, the two rope holder positioners, the cut-clamp hot wire cutting mechanism, the twist tie mechanical tie device to move into activated positions from home positions and to return to home positions.”

It is clear that home position as used in the specification means the initiation position. This interpretation is supported by the dictionary definition of “home position.” The term initiation is also supported by the specification, page 13, lines 7 and 11.

Claim 13, parts (f), (g), (h) and (k), have been amended by deleting the term “home” and substituting therefor the term “initiation.” It is respectfully requested that this amendment to Claim 13 be entered for it is supported by the sections of the specification cited hereinabove and substitution of the term “initiation” for “home” does not constitute the introduction of new matter.

It is applicants' position that this amendment to parts (f), (g), (h) and (k) of Claim 13 overcome the 35 U.S.C. 112 rejection.

Claims 14, 15 and 16 have been rejected as not positively reciting method claims and that it is unclear to the Examiner how these claims further limit the method of Claim 13.

Claims 14, 15 and 16 have been amended by making certain editorial changes to overcome these objections. Support for the amendment is found in the original Claims 14, 15 and 16.

Claim 14 is directed to a method for fastening and binding the stretch material to secure a stretch material web wrap around a load to fasten and bind the stretch material to itself with the next to last wrap and the final wrap around the load utilizing a mechanical twist tie mechanism comprising a twist tie metal wire tie mechanism. This process is a limitation on Claim 13 in that it relates to fastening and binding the stretch material to itself with the next to last wrap and the final wrap around load.

Claim 15 is limited in the same way as is Claim 14 and further has a limitation that the mechanical twist tie mechanism comprises a twist tie plastic wire-like tie mechanism.

Claim 16 has the limitation of Claim 14 but provides that said stretch material on release of said fastening and binding sweeps back into position against the wrapped load from the force of the stretch wrap tension.

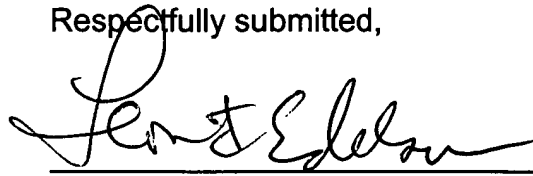
Applicants respectfully submit that the amendments to Claims 14 through 16 do not constitute new matter and merely clarify the terminology of these claims and add

clarifying phrases to more clearly particularly point out and distinctly claim the subject matter applicants regard as the invention.

Applicants respectfully submit that the amendment of Claims 1 through 16 as submitted herewith overcomes the rejection under 35 U.S.C. 112, second paragraph, and the application is in condition for allowance.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Leon I. Edelson", written over a horizontal line.

Leon I. Edelson
Reg. No. 38,863
Levenfeld Pearlstein
P.O. Box 0212
Chicago, Illinois 60690-0212
(312) 476-7559

H:\Docs\46600\46652\Amendment.doc